

**PROFFER STATEMENT**

**DONALD K. BEAVER, OWNER/APPLICANT**

**RZ 02-L-07**

I hereby proffer that the use and development of this Property shall be in strict accordance with the following conditions:

1. This proffer statement is submitted pursuant to the authority of the Code of Virginia and the Fauquier County Zoning Ordinance ("Ordinance") by the Applicant and Owner of an area of real property containing approximately 1.618 acres (PIN #6899-16-9372), Lee Magisterial District, Fauquier County, Virginia which is described and referenced in the application and materials filed with Fauquier County.

2. The Applicant, (hereinafter any time the term "Applicant" is used it shall include "owners, successors, or assigns") Owner, their successors and assigns hereby proffer that in the event that the Board of Supervisors of Fauquier County ("Board") approves the application to rezone the Property from RA to C-2 in substantial accord with the application, the development of the Property will be in accord with the regulations of the C-2 zoning district and the following proffered conditions.

3. All of these conditions are voluntarily entered into pursuant to Section 13-202(2)D of the Ordinance and relevant sections of the Virginia Code.

4. The Applicant shall submit a Landscaping Plan for County review and approval in conjunction with construction plans and profiles for the development of the C-2 Area. The

Applicant shall preserve and reserve environmental features wherever possible, and shall remove specimen trees only as necessary for roads, driveways and building sites.

5. All lighting shall be screened or shielded to reduce glare beyond the site consistent with the requirements of Article 9 of the Fauquier County glare ordinance.

6. Interparcel Access: The Applicant shall secure by dedication to the County of fee simple right-of-way or easements from adjacent property Owners and will construct necessary improvements therein in conjunction with other landowners for such interior on-site travelways as are deemed necessary by the County, the Applicant and VDOT, to provide safe and adequate ingress and egress to and from Route 28 and 17 and Route 837. Funds sufficient to provide interparcel travelways, not less than two lanes, nor less than 12 feet in width, shall be secured by surety bond or letter of credit prior to approval of first site plan.

The Applicant shall dedicate right-of-way for interparcel access to adjacent properties to the southwest and northwest at the time of first subdivision final plat or final site plan. The Applicant shall construct temporary means of ingress and egress as required by VDOT if construction of the actual interparcel connections is not to be done concurrently with development of the adjacent parcel; at such time as interparcel access is provided, said temporary egress shall be terminated. The Applicant shall diligently pursue acquisition of any necessary right-of-way and/or temporary or permanent easements, to construct the necessary interparcel access improvements. If the right-of-way and/or temporary or permanent easements are unavailable, the Applicant shall request Fauquier County to acquire necessary

right-of-way and/or temporary or permanent easements through its powers of eminent domain, at the Applicant's expense. The Applicant's request will not be considered until it is forwarded, in writing, to the County Administrator accompanied by:

- a) Plans and profiles showing the necessary right-of-way and/or temporary or permanent easements;
- b) An independent appraisal, by an appraiser who is not employed by the County, of the value of the land taken and damages, if any, to the residue of the affected property;
- c) A sixty (60) year title search certificate of the right-of-way and/or temporary or permanent easements to be acquired; and
- d) A Letter of Credit in an amount equal to the appraised value of the property to be acquired and of all damages to the residue which can be drawn upon by Fauquier County. It is also understood that in the event the property owner of the right-of-way and/or temporary or permanent easements to be acquired is awarded more than the appraised value of the property and of the damages to the residue in a condemnation suit, the amount of the award shall be paid to Fauquier County by the Applicant within five (5) days of said award. It is further understood that all other costs incurred by Fauquier County in acquiring the right-of-way and/or temporary or permanent easements shall be paid to Fauquier County by the Applicant upon demand.

7. Right-of-way on Routes 28, 17 and 837: The Applicant shall dedicate for future improvements to Route 28, 17 and 837, right-of-way sufficient for deceleration and/or acceleration lanes along the frontage of the property on said roadways at the time of site plan approval for any land bordering Route 28, Route 17 or Route 837, as deemed necessary by the County, the Applicant and VDOT.

8. The Applicant proffers that the uses set out on the attached "Exhibit A" will not be conducted on the property should the Board of Supervisors rezone the property to C-2.

The Applicant hereby certifies that it is the sole legal title owner of record of the

Property.

Donald K. Beaver  
Donald K. Beaver (SEAL)  
DONALD K. BEAVER

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAUQUIER, to-wit:

The foregoing was acknowledged before me this 1<sup>st</sup> day of August, 2002, by  
Donald K. Beaver.

Edie H. Hoback  
NOTARY PUBLIC

My Commission Expires: 8/31/05

## **“EXHIBIT A”**

**Uses on Property of Donald K. Beaver, containing approximately 1.618 acres, which are “proffered out” and will not be conducted on the property should the property be rezoned to C-2, Highway Commercial:**

- ▶ **Category 3-308 “Temporary Uses”**
- ▶ **Category 3-309 “Outdoor Recreation”**
- ▶ **Category 3-310 “Recreation and Amusement”**
- ▶ **Category 3-311 “Public and Quasi-Public”**
- ▶ **Category 3-318 “Agriculture”**
- ▶ **Category 3-319 “Extraction”**
- ▶ **Category 3-320 “Public Utilities”**